

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

EDDIE LEE WILSON, AND CHESTER	§	
JACKSON, SR., A/N/F CHESTER	§	
JACKSON, JR.	§	
<i>Plaintiffs,</i>	§	
v.	§	NO. 1:20-cv-00311-RP
ROBERT RILEY BAUCOM,	§	
DEPUTY JOHN K. BENNETT,	§	JURY DEMANDED
SHERIFF THOMAS NORSWORTHY,	§	
CITY OF CALDWELL, AND BURLESON	§	
COUNTY	§	
<i>Defendants.</i>	§	

**DEFENDANT ROBERT RILEY BAUCOM'S PRE-TRIAL FILINGS**

TO THE HONORABLE PITMAN, UNITED STATES DISTRICT JUDGE:

Defendant, Robert Riley Baucom, files his pre-trial filings pursuant to Local Rule CV-16(f):

**I. Defendant's Proposed Voir Dire**

Defendant respectfully requests that the Court ask the following questions to prospective jurors during voir dire examination:

1. Are any of you, or your immediate family members, acquainted with the following persons? If so, in what manner?

(a) Chester Jackson, Jr., the Plaintiff in this case.

(b) Robert Riley Baucom, the Defendant in this case.

2. The plaintiff has indicated that the following individuals may testify. Do you, or any of your immediate family members, know any of these individuals? If so, in what manner?

[Read plaintiff's witness list]

3. The defendants have indicated that the following individuals may testify.

Do you, or any of your immediate family members, know any of these individuals? If so, in what manner?

[Read defendants' witness list]

4. Do you know anyone else on the jury panel? If so, how?

5. Have you, your family members, or close friends ever been a plaintiff, defendant, or witness in a civil lawsuit? If so, please state:

- (a) Whether you or they were a plaintiff, defendant, or witness;
- (b) The nature of the lawsuit;
- (c) The names of the parties involved in the lawsuit;
- (d) The outcome of the lawsuit; and
- (e) Anything about the experience that might affect your ability to be a fair and impartial juror in this case.

6. Have you, any of your immediate family members, or any of your close friends ever been questioned or arrested by law enforcement officials? If so, what was the nature of the encounter or arrest with the law enforcement official? (Approach the bench if appropriate).

Has that experience caused you to view law enforcement officials in a negative light?

7. Have you, any member of your family, or any close friends ever filed a claim, complaint, lawsuit or grievance concerning the actions of a law enforcement officer, a governmental body (like a city, county, or state), or an employee of a governmental body? If so, what was the nature of the complaint, grievance, or lawsuit and what was the outcome?

8. Have you, any member of your family, or any close friends ever filed a claim, complaint, lawsuit or grievance complaining of a violation of their civil rights. Examples of civil rights violations include, but are not necessarily limited to, wrongful arrest, use of excessive force, violation of the right to free speech.

9. Have you, any member of your family, or any close friends ever filed a claim, complaint, lawsuit or grievance complaining of the actions of a law enforcement officer of the Austin Police Department? As a result of that experience, do you view Austin police officers in a negative light?

10. Have you, any member of your family, or any close friends ever filed a claim, complaint, lawsuit or grievance complaining of the City of Caldwell or any of its employees?

11. Have you, your family members, or any of your close friend had any interactions with any law enforcement officers that might affect your ability to be a fair and impartial juror in this case?

12. Do you, or any of your family members or close friends, believe that use of force by police officers or law enforcement officials is a problem in our society? If so, can you describe why? If you have that belief, can you disregard it and act fairly and impartially if you are selected as a juror in this case involving claims that police officers used excessive force?

13. Do you, or any of your family members or close friends, believe that police officers or law enforcement officials should be held more accountable for their actions when they use force on suspects? If so, can you explain? If you have that belief, can you disregard it and act fairly and impartially if you are selected as a juror in this case involving claims that police officers used excessive force?

14. Does anyone have any factual knowledge of this case or any cases involving similar claims?

15. Does anyone have any specialized legal knowledge involving constitutional claims or civil rights claims in general?

16. Has anyone formed an opinion, based merely on what you have heard so far, that the plaintiff is entitled to compensation in this case?

17. Does anyone here believe that police officers or law enforcement officials have too much power or discretion in performing their duties? If so, can you explain why? If you have that belief, can you disregard it and act fairly and impartially if you are selected as a juror in this case involving claims that police officers used excessive force?

18. The Court will instruct you concerning the nature of constitutional rights. Would you be able and willing to follow the Court's instructions concerning the law, even if the instructions differ from your own personal views?

19. In this lawsuit the plaintiff will claim that his civil rights were violated. Do you, your family members, or any of your close friends belong to an organization whose primary purpose is the protection of civil rights?

20. Do you, your family members, or any of your close friends have training in police procedures or policies? If so, please describe the nature of the training.

21. Do you, your family members, or any of your close friends have any specialized knowledge, training or experience in the law? If so, in what field?

22. Have you, your family members, or any of your close friends ever been charged with a crime for which you were subsequently exonerated? If so, please approach the bench and describe.

23. Have you, your family members, or any of your close friends ever relied upon the response of law enforcement in a situation in which your physical safety was in danger? If so, please describe. If the matter is of a personal or sensitive nature, please approach the bench.

24. Is there anything we have not talked about that you believe might affect your ability to be a fair and impartial juror?

## **II. Defendant's Statement of Claims and Defenses**

Defendant Robert Riley Baucom respectfully requests that the court provide the following statement of claims and defenses to prospective jurors during the voir dire examination:

The Plaintiff, Chester Jackson, Jr., claims that the Defendant, Robert Riley Baucom, who was a uniformed police officer, violated his civil rights by using excessive force. The Defendant denies using excessive force. The Defendant contends that the Plaintiff was the cause of his fall while in Defendant's custody. Defendant further contends that the Plaintiff's injuries occurred subsequent to the fall and was not related to the fall, but rather was the result of actions and events that occurred while Plaintiff was a patient at Cross Creek Hospital. The Defendant denies that he was plainly incompetent, or knowingly violated Plaintiff's constitutional rights when he used force.

## **III. Joint Stipulation of Facts**

At this point, the parties have not reached agreement on any joint stipulation of facts. The parties will file any stipulations they reach in advance of trial.

#### IV. DEFENDANT ROBERT RILEY BAUCOM'S EXHIBIT LIST

EXHIBIT NO.	DESCRIPTION	OFFER (Y/N)	OBJECT (Y/N)	ADMIT (Y/N)
D-1	St. David's Medical Center – Medical			
D-2	Cross Creek Hospital – Medical			
D-3	Baylor Scott & White Medical Center-Brenham – Medical			
D-4	MHMR Authority of Brazos Valley – Medical			
D-5	Austin Travis County EMS – Medical			
D-6	Austin Healthcare & Rehabilitation – Medical			
D-7	Burleson County Jail Video			
D-8	Burleson County Body Camera Videos			

#### V. DEFENDANT ROBERT RILEY BAUCOM'S WITNESS LIST

The witnesses listed below have previously been identified to Plaintiff:

##### A. Expected Witnesses

1. Robert Riley Baucom
2. Dr. John Bertelson, MD, FAAN

##### B. Witnesses to be Called if Necessary

3. Dr. Mark D. Fierro, MD
4. Dr. Cameron Ludt, DO
5. Burleson County Sheriff's Office ("BCSO") Deputy John K. Bennett
6. BCSO Deputy Matthew Higgins
7. BCSO Deputy William Elkins
8. BCSO Deputy Kaitlyn Bradshaw
9. BCSO James Elswood
10. Other non-retained medical experts identified by Defendant (Dkt. # 50)

**VI. Proposed Jury Instructions and Verdict Forms**

Defendant's proposed jury instructions and verdict forms are attached as **Exhibit A**.

**VII. Motion in Limine**

Defendant's Motion in Limine is attached as **Exhibit B**.

**VIII. Anticipated Length of Trial**

Four (4) days.

Respectfully submitted,

**WRIGHT & GREENHILL, P.C.**  
900 Congress Avenue, Suite 500  
Austin, Texas 78701  
512-476-4600  
512-476-5382 – Fax

By: /s/ Blair J. Leake  
Blair J. Leake  
State Bar No. 24081630  
[bleake@w-g.com](mailto:bleake@w-g.com)  
Stephen B. Barron  
State Bar No. 24109619  
[sbarron@w-g.com](mailto:sbarron@w-g.com)

**ATTORNEYS FOR DEFENDANT  
ROBERT RILEY BAUCOM**

**CERTIFICATE OF SERVICE**

I hereby certify that on the 3rd day of September, 2021, a true and correct copy of the foregoing document was caused to be served upon all counsel of record via E-File/E-Service/E-Mail and/or Regular U.S. Mail, in accordance with the Texas Rules of Civil Procedure, as follows:

U.A. Lewis  
Okwudili Onyekwelu  
THE LEWIS LAW GROUP, PLLC  
P.O. Box 27353  
Houston, TX 77007  
[Myattorneyatlaw@gmail.com](mailto:Myattorneyatlaw@gmail.com)  
[onyekwelu@thelewislaw.com](mailto:onyekwelu@thelewislaw.com)

Joanna Lippman Salinas  
David Isaac Solomon  
FLETCHER, FARLEY, SHIPMAN, & SALINAS, LLP  
2530 Walsh Tarlton, Suite 150  
Austin, Texas 78746  
[Joanna.salinas@fletcherfarley.com](mailto:Joanna.salinas@fletcherfarley.com)  
[david.solomon@fletcherfarley.com](mailto:david.solomon@fletcherfarley.com)

Ramon G. Viada, III  
VIADA & STRAYER  
17 Swallow Tail Court  
The Woodlands, TX 77381  
[rayviada@viadastrayer.com](mailto:rayviada@viadastrayer.com)

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/s/ Blair J. Leake  
Blair J. Leake